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ATTORNEY DOCKET NO.: 0079571-0094 (BU82)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Collins, <i>et al.</i>	Examiner:	Not Yet Assigned
Serial No.:	10/535,128	Art Unit:	Not Yet Assigned
Filing Date:	May 16, 2005		
Title:	CIS/TRANS RIBOREGULATORS		

Mail Stop: Amendments  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

TRANSMITTAL LETTER

Enclosed are the following documents:

1. Statement under 37 C.F.R. §§ 1.56, 1.97, and 1.98 (5 pages);
2. Form PTO-1449 (6 pages);
3. Cited Art (88 references); and
4. Return Postcard.

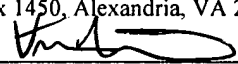
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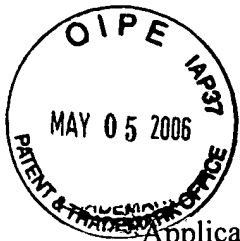
Respectfully submitted,

  
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Dated: ~~April~~ <sup>May</sup> 2, 2006

<b>Certificate of Mailing</b>	
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<sup>May</sup> <del>April</del> 2, 2006	
Date	Signature
Vincent Montalbano	
Typed or Printed Name of person signing certificate	



ATTORNEY DOCKET NO.: 0079571-0094 (BU82)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Serial No.:	10/535,128	Art Unit:	NYA
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Title:	CIS/TRANS RIBOREGULATORS		

Mail Stop: Amendments  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**STATEMENT UNDER 37 C.F.R. §§ 1.56, 1.97, AND 1.98**

Pursuant to the duty of disclosure under 37 C.F.R §§ 1.56, 1.97 and 1.98, Applicant requests consideration of this Information Disclosure Statement.

Type of Statement


The present Information Disclosure Statement is:

- ☒ An *original* Information Disclosure Statement; or
- ☐ A *supplemental* Information Disclosure Statement.

**Certificate of Mailing**

I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Mail Stop: Amendments, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

May 2, 2006  
Date

  
Signature

Vincent Montalbano  
Name of Person Signing

Compliance with 37 CFR § 1.97

The present Information Disclosure Statement is being filed:

- ☒ Pursuant to 37 CFR § 1.97(b); no fee or certification is required:
  - ☐ Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);
  - ☐ Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application;
  - ☒ Before the mailing of a first Office action on the merits; or
  - ☐ Before the mailing of a first Office action after the filing of a request for continued examination under § 1.114.
- ☐ Pursuant to 37 CFR § 1.97(c) after the dates listed above but before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *either*:
  - ☐ Certifies that *either*:
    - ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
    - ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the

information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement; or

☐ Includes herewith the fee set forth in § 1.17(p),

☐ Pursuant to 37 CFR § 1.97(d), after the mailing date of any final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *both*:

☐ Certifies that *either*:

☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement; and

☐ Includes herewith the fee set forth in § 1.17(p).

#### Content of the Information Disclosure Statement

Applicant hereby makes of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

Applicant includes copies of references as indicated below:

- ☒ A copy of each cited reference not indicated with an asterisk is included;
- ☐ Copies of references indicated with an asterisk on the attached form PTO-1449 are not included pursuant to 37 CFR § 1.98(d) because they were previously provided to the United States Patent Office in an Information Disclosure Statement that complies with 37 CFR § 1.98(a)-(c) and was submitted in the following patent application that is relied upon in the present case for an earlier effective filing date under 35 USC § 120:

Serial Number	Filing Date	Status

- ☐ Copies of English translations of one or more non-English references are included.

Applicant hereby makes the following additional information of record in the above-identified application:

Applicant certifies that the Information Disclosure Statement *either*:

- ☒ Does not contain non-English language citations;
- ☐ Includes one or more translations of a non-English citation; or
- ☐ Does contain non-English language citations, of which the following is a concise explanation:

Remarks

The submission of this Information Disclosure Statement should not be construed as a representation that a search has been made.

The submission of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b) .

The submission of this Information Disclosure Statement shall not be construed as a representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 USC § 102.


It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited patent(s) and publication(s) has (have) been fully considered by the Patent and Trademark Office during the examination of this application; and
3. The citations for the patent(s) and publication(s) be printed on any patent which issues from this application.

Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

Respectfully submitted,

Dated: <sup>May</sup>~~April~~ 2, 2006

  
Brenda Herschbach Jarrell, Ph.D.  
Registration No. 39,223

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## INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Applicant: Collins, *et al.*Filing Date:  
May 16, 2005

Group:

## U.S. PATENT DOCUMENTS

Examiner's Initials	U.S. Patent No.	Applicant	Issue Date	Class	Subclass
	5,977,089	Arimilli, <i>et al.</i>	November 2, 1999	514	81
	6,005,087	Cook, <i>et al.</i>	December 21, 1999	536	23.1
	6,031,086	Switzer	February 29, 2000	536	23.1
	6,127,533	Cook, <i>et al.</i>	October 3, 2000	536	23.1
	6,225,460	Bischofberger, <i>et al.</i>	May 1, 2001	536	26.1
	6,399,754	Cook	June 4, 2002	536	23.1
	6,403,779	Kawasaki, <i>et al.</i>	June 11, 2002	536	23.1

## U.S. PATENT APPLICATIONS

Examiner's Initials:	Publication Number:	Applicant:	Publication Date:	Group:	Art Unit:

## FOREIGN PATENT DOCUMENTS

Examiner's Initials	Document No.	Country	Date	Translation	
				Yes	No

## OTHER DOCUMENTS

Examiner's Initials	Citation (Including Author, Title, Date, Pertinent Pages, Etc.)
	Akerley, B. J., et al., "Systematic Identification Of Essential Genes By <i>In Vitro</i> Mariner Mutagenesis.", <i>Proc. Natl. Acad. Sci. U.S.A.</i> <b>95</b> : 8927-8932, 1998.
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	Andersen, J. B., et al., "New Unstable Variants Of Green Fluorescent Protein For Studies Of Transient Gene Expression In Bacteria.", <i>Appl. Environ. Microbiol.</i> <b>64</b> : 2240-2246, 1998.
	Arigoni, F., et al., "A Genome-Based Approach For The Identification Of Essential Bacterial Genes.", <i>Nat. Biotechnol.</i> <b>16</b> : 851-856, 1998.
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Form PTO-1449 (REV. 8-83)		U.S. Department of Commerce Patent and Trademark Office		Atty. Docket: 0079571-0094	In re Application No. 10/535,128
<b>INFORMATION DISCLOSURE STATEMENT</b> (Use several sheets if necessary)				Applicant: Collins, <i>et al.</i>	
				Filing Date: May 16, 2005	Group:
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		Filing Date: May 16, 2005	Group:
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	Joyce, G. F., "Amplification, Mutation And Selection Of Catalytic RNA.", <i>Gene</i> <b>82</b> : 83-87, 1989.		
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	Mironov, A., et al., "Sensing Small Molecules By Nascent RNA: A Mechanism To Control Transcription In Bacteria.", <i>Cell</i> <b>111</b> : 747-756, 2002.		
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	Stougaard, P., et al., "RNAs Involved In Copy-Number Control And Incompatibility Of Plasmid R1.", <i>Proc. Natl. Acad. Sci. USA</i> <b>78</b> : 6008-6012, 1981.		
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	Suzuki, M., et al., "Random Mutagenesis Of <i>Thermus Aquaticus</i> DNA Polymerase I: Concordance Of Immutable Sites <i>In Vivo</i> With The Crystal Structure.", <i>Proc. Natl. Acad. Sci. USA</i> , <b>93</b> : 9670-9675, 1996.		
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**INFORMATION DISCLOSURE STATEMENT**

(Use several sheets if necessary)

Applicant: Collins, *et al.*

Filing Date:  
May 16, 2005

Group:

Tuerk, C. and Gold, L., "Systematic Evolution Of Ligands By Exponential Enrichment: RNA Ligands To Bacteriophage T4 DNA Polymerase.", *Science* **249**: 505-510, 1990.

Vartanian, J.-P., et al., "Hypermutagenic PCR Involving All Four Transitions And A Sizeable Proportion Of Transversions.", *Nuc. Acids Res.*, **24**(14): 2627-2631, 1996.

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